

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION OF MICHIGAN**

In Re:

RACHAEL GABRIELLE OSBORN
9298 HILDA LN
FLUSHING, MI 48433

Chapter 13 Proceeding
Case No.: 16-31659-DOF
Judge: DANIEL S. OPPERMAN

Last four digits of Social Security or Individual Tax-Payer Identification (ITIN) No(s)., (if any): XXX-XX-2439

Notice Of Chapter 13 Trustee's Motion To Dismiss

The Chapter 13 Trustee has filed papers with the Court to dismiss this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case . (If you do not have an attorney you may wish to consult one.)

If you do not want the **Court to DISMISS THIS CHAPTER 13 CASE** or if you want the Court to consider your views on the motion **within 14 days** you or your attorney must:

- 1. File with the Court a written response or an answer explaining your position at :¹**

United States Bankruptcy Court
226 West Second Street
Flint, MI 48502

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Carl L. Bekofske
Standing Chapter 13 Trustee
400 N. Saginaw St. Ste 331
Flint, MI 48502

- 2. If a response or answer is timely filed and served, the court will schedule a hearing on the matter and you will be notified as to the time and date of the hearing.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: 4/17/2017

/s/ Carl L. Bekofske
Carl L. Bekofske
Standing Chapter 13 Trustee
400 N. Saginaw St. Ste 331
Flint, MI 48502
(810) 238-4675
ECF@flint13.com
P-10645

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION OF MICHIGAN**

In Re:

RACHAEL GABRIELLE OSBORN
9298 HILDA LN
FLUSHING, MI 48433

Chapter 13 Proceeding
Case No.: 16-31659-DOF
Judge: DANIEL S. OPPERMAN

MOTION TO DISMISS FOR FAILURE TO MAKE PLAN PAYMENTS

The Standing Chapter 13 Trustee moves to DISMISS this Chapter 13 matter for the following reasons:

1. This chapter 13 matter was filed on July 14, 2016.
2. The concurrence of counsel pursuant to LBR 9014-1(g) was sought on 4/3/2017 and concurrence was not obtained.
3. The Debtor(s) have failed to make regular payments as required by 11 U.S.C. Section 1326 (a) (1).
4. A default in payments has occurred, partial payments have been received but payments are delinquent; the last payment was recieved on 11/29/2016.
5. In response to this motion the Trustee requests the Debtor reply to the following:
 - a. Reason for the default in payments.
 - b. How the delinquency will be corrected.
 - c. When the delinquency will be correct.

Wherefore, the Chapter 13 Trustee asks this Honorable Court to dismiss this matter and asks that the Trustee be allowed a reasonable time period to submit a final report of receipts and disbursements in this matter, and asks for further relief deemed just by this Court.

Date: 4/17/2017

/s/ Carl L. Bekofske
Carl L. Bekofske
Standing Chapter 13 Trustee
400 N. Saginaw St. Ste 331
Flint, MI 48502
(810) 238-4675
ECF@flint13.com
P-10645

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION OF MICHIGAN**

In Re:

RACHAEL GABRIELLE OSBORN
9298 HILDA LN
FLUSHING, MI 48433

Chapter 13 Proceeding
Case No.: 16-31659-DOF
Judge: DANIEL S. OPPERMAN

Order On Trustee's Motion To Dismiss

On the motion of the Trustee and the parties having been served and no response having been received on the Trustee's Motion to Dismiss, and the Court being advised:

IT IS HEREBY ORDERED that the within case is dismissed and the automatic stays issued pursuant to 11 U.S.C.362 and 1301 are hereby terminated;

IT IS HEREBY ORDERED that the Clerk's Office shall immediately provide notice of the entry of this Order to all interested parties and the attorney for the debtor (s), if any.

"Proposed Order"

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION OF MICHIGAN**

In Re:

RACHAEL GABRIELLE OSBORN
9298 HILDA LN
FLUSHING, MI 48433

Chapter 13 Proceeding
Case No.: 16-31659-DOF
Judge: DANIEL S. OPPERMAN

Certificate of Service

I hereby certify that on 4/17/2017 I served the following paper:

Notice of Chapter 13 Trustee's Motion to Dismiss For Failure to Make Plan Payments, Motion to Dismiss and Proposed Order on Trustee's Motion to Dismiss and Certificate of Service.

On the following parties at these addresses by the United States Postal Service:

RACHAEL GABRIELLE OSBORN
9298 HILDA LN
FLUSHING, MI 48433

And the following parties were served by electronic mail notice (ECF System):
Debtor's Attorney JUANITA L. MASSEY

/s/ STEVE ROBINSON
Chapter 13 Trustee's Office
400 N. Saginaw St. Ste 331
Flint, MI 48502
(810) 238-4675
ECF@flint13.com